

Message Text

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ACTION CU-04

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P 191610Z JUL 76

FM AMEMBASSY ROME

TO SECSTATE WASHDC PRIORITY 8937

UNCLAS ROME 11610

CU/ARTS FOG ICARSTONES

E.O. 11652: N/A

TAGS: OEXC, IT

SUBJ: LOS ANGELES PHILHARMONIC ORCHESTRA (LAPO)

REF: CARSTONES-ROTH RELCON 7/8/76

1. FOLLOWING IS TEXT OX CONTRACT PRESENTED BY SANTA CECILIA NATIONAL ACADEMY. THIS IS STANDARD SANTA CECILIA CONTRACT, BUT THEY HAVE STRETCHED THEIR REGULATIONS TO MAKE OUT CONTRACT WITH EMBASSY ON BEHALF OF LAPO AT OUR REQUEST. THEIR PRACTICE IS ONLY REPEAT ONLY TO SIGH WITH ARTISTS, BUT HAVE EXTENDED THZMSELVES ON THIS POINT. THZY CAN NOT EXTEND THEMSELVES FURTHER FOR OTHER CHANGES BECAUSE THEY ARE REGULATED BY ITALIAN LAW:

QUOTE:

A. BY THIS PRIVATE AGREEMENT, MADE AND ENTERED INTO BY AND BETWEEN THZ SANTA CECILIA NATIONAL ACADEMY -- AUTONOMOUS MANAGEMENT OF CONCERTS (VIA VITTORIA 6, ROME) -- AND THE AMERICAN EMBASSY IN ROME, ON BEHALF OF THE PHILHARMONIC ORCHESTRA OF LOS ANGELES CONDUCTED BY ZUBIN MEHTA, (THE PARTIES HERETO) COVENANT AND AGREE AS FOLLOWS:

B. I. THE AMERICAN EMBASSY IN ROME, ON BEHALF OF THE PHILHARMONIC ORCHESTRA OF LOS ANGELES CONDUCTED BY ZUBIN MEHTA, IS HEREBY SIGNED UP FOR A CONCERT THAT WILL BE GIVEN AT THE AUDITORIUM OF VIA DELLA CONCILIAZIONE ON MONDAY, NOVEMBER 29,
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1976 AND AGAIN ON TUESDAY, NOVEMBER 30, 1976. REMAINING AT THE

ACADEMY'S DISPOSAL FOR THE PERIOD NECESSARY FOR THE REHEARSALS. THE ACADEMY RESEVES THE RIGHT, SHOULD SPECIAL UNEXPECTED ARTISTIC AND ORGANIZATIONAL REQUIREMZNTS MAKE IT NECESSARY, TO CHANGE THE DATE OF THZ CONCERT, UPON MAKING THE NECESSARY ARRANGEMENTS WITH THE AMERICAN EMBASSY IN ROME, REPRESENTING THE PHILHARMONIC ORCHESTRA OF LOS ANGELES CONDUCTED BY ZUBIN MEHTA, AND COMPATIBLY WPTH POSSIBLE ENGAGEMENTS HE (OR IT) MAY HAVE ALREADY UNDERTAKEN WITH RESPECT TO THIRD PARTIES.

II. THZ PROGRAM AGREED UPON WITH THE SANTA CECILIA ACADEMY IS THE FOLLOWING: (FROM AMONG WORKS OFFERED IN EARLIER CABLE).

III. THE AMERICAN EMBASSY IN ROME HEREBY AGREES, ON BEHWLF OF THE PHILHARMONIC OGCHESTRA OF LOS ANGELES CONDUCTED BY ZUBIN MEHTA, NOT TO GIVE ANY PERFORMANCES FOR OTHERS IN THE CITY OF ROME DURING THE SEASON. IT ALSO UNDERTAKES NOT TO ACCEPT ENGAGEMENTS FROM THE ITALIAN RADIOTELEVISION EXCEPT FOR PERFOGMANCES TO BE GIVEN AT LEAST ONE WEEK FROM THE DATE OF EXPIRATION OF THIS AGREEMENT.

IV. THE AMERICAN EMBASSY IN ROME, ON BEHALF OF THE PHILHARMONIC ORCHESTRA OF LOS ANGELES CONDUCTED BY ZUBIN MEHTA, SHALL SUPPLY THE INFORMATION AND PICTURES THAT WILL BE REQUESTED FOR THE PURPOSE OF PREPARING THE PROGRAM OF THE CONCERT.

V. THZ GROSS AMOUNT AGREED UPON TO BE PAID UNDER THIS CONTRACT IS 15,000,000 LIRE FOR BOTH PERFORMANCES. THE SAID AMOUNT IS INCLUSIVE OF ALL TRAVEL EXPENSES. THE AMOUNT AGREED UPON SHALL BE PAID AT THE END OF THE ARTISTIC PERFORMANCES COVERED BY THIS AGREEMENT.

VI. EXCEPT FOR CASES OF FORCE MAJEURE ENVISAGED BY THE LAW, SHOULD THE AMERICAN EMBASSY IN ROME, AS THE REPRESENTATIVE OF THE PHILHARMONIC ORCHESTRA OF LOS ANGELES CONDUCTED BY ZUBIN MEHTA, FAIL TO FULFILL ITS ENGAGEMENTS UNDER THIS CONTRACT, (THE AMERICAN EMBASSY) SHALL PAY A FINE EQUIVALENT TO THE TOTAL AMOUNT OF THE PAYMENT DUE, WITHOQT PREJUDICE FOR ADDITIONAL DAMAGES. IN THE CASE OF NON-FULFILLMENT ON THE PART OF THE ACADEMY, THE LATTER SHALL ALSO PAY THE SAME AMOUNT, EXCEPT FOR CASES OF FORCE MAJEURE.

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VII. SHOULD DISPUTES ARISE, THE COMPETENT LAW-COURT SHALL BE THAT OF ROME.

VIII. SPECIAL CLAUSES: (NONE).

UNQUOTE.

2. EMBASSY WANTS DEPARTMENT AUTHORIZATION TO SIGN THIS CONTRACT.

EMBASSY CONCERNED OVER LIABILITY CLAUSE SECTION VI AND ASKS
IF FUNDS FROM CU WOULD BE AVAILABLE IN CASE OF LIABILITY.
IF DEPARTMENT AUTHORIZATION NOT FORTHCOMING ONLY RECOURSE IS
DIRECT SANTA CECILIA-LAPO CONTRACT.

3. FACILITIES, PROGRAMS, SPONSORSHIP, NUMBER OF COMPLIMENTARY
TICKETS, ETC. OUTLINED IN CU DRAFT CONTRACT SENT POST
WILL BE COVERED BY SUBSEQUENT AGREEMENT. VOLPE

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